



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

C

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/378,218 08/19/99 PHILYAW

J PHLY-24.706

THOMPSON & HOWISON LLP
P O BOX 74715
DALLAS TX 75374-1715

TM02/0411

EXAMINER

ROMERO, A
ART UNIT PAPER NUMBER

2152
DATE MAILED:

04/11/01

11

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

SR

Office Action Summary

Application No.

09/378,218

Applicant(s)

Philyaw et al.

Examiner

Almari Romero

Group Art Unit

2152

☒ Responsive to communication(s) filed on Jan 29, 2001

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-10 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-10 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☒ The proposed drawing correction, filed on Jan 29, 2001 is ☒ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4 and 6

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

al

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2152

Response to Amendment

1. Applicant's amendment, filed on 1/12/01 has been reviewed by the Examiner.
2. Claims 1-10 are pending.

Drawings

3. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on 1/29/01 have been approved.

Claim Rejections - 35 U.S.C. § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 4, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bendinelli et al. (U.S. Patent No. 6,061,719) in view of Yokozawa et al. (U.S. Patent No. 5,740,369) in further view of Ullman et al. (U.S. Patent No. 6,018,768).
6. Regarding claim 1, Bendinelli et al. (Bendinelli) discloses the invention substantially as claimed. Bendinelli discloses; the unique code is close association with vendor information (on col. 2, line 51- col. 3, line 12 and col. 3, line 57-col. 4, line 13: teaches a URL or other type of network information identifier which identifies a web site (vendor information)); extracting the

Art Unit: 2152

unique code with an extractor during output of the recorded information to a user at a user location disposed on a network (on col. 3, line 13 - col. 4, line 13 and col. 5, line 57- col. 6, line 11: teaches a decoder extracts an embedded URL or other type of network information identifier from a closed caption stream (output information) and delivers it to a computer via a suitable connection (network)); in response to extracting the unique code, transmitting the unique code to a remote location on the network in accordance with routing information stored at the user location, wherein the vendor information is returned to the user location for processing (on col. 2, line 51- col. 3, line 12 and col. 5, line 57-col. 6, line 11: teaches from extracting the URL or other network information identifier (unique code) identifying a web site at a server (remote location) and wherein a web page (vendor information) is delivered to the computer for display). However, Bendinelli does not explicitly disclose the unique code in recorded information. Yokozawa et al. (Yokozawa) discloses on col. 31, lines 1-26 and col. 32, lines 1-27: teaches a sorting code (unique code) embedded in a data which is stored (recorded information) in a computer system). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide stored data with sorting code, as taught by Yokozawa, which will be extracted to be able to identify a web site at server, as taught by Bendinelli, in a network environment. The motivation to do so would have been to incorporate stored data with sorting code to then extract the code or identifier to identify the web page (vendor information) at a server (remote location) in order to increase the flexibility in advertisement via the network.

Art Unit: 2152

However, Bendinelli and Yokozawa do not explicitly teach “operating the video disk at a user location disposed on a network to read the digital recorded video information therefrom and outputting the read digital recorded video information on a display at the user location”. Ullman et al. (Ullman) on col. 5, lines 28-30, col. 9, lines 4-35, and col. 10, lines 4-25: teaches operating a DVD player at a user site to read a video program with embedded URLs which is stored or recorded in a digital video disk and video program is displayed on the user site. It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate a digital video disk storing video program with embedded URLs and DVD player to retrieve video program to display on user site , as taught by Ullman, and extract a unique code to identify the location of a server (vendor information) corresponding that unique code, as taught by Bendinelli-Yokozawa, in a digital computing environment. The motivation to do so would have been to provide a digital video disk (DVD) at a user site with stored video program embedded with a unique code and extracting the code or identifier to identify the web page (vendor information) at a server (remote location) in order to provide a user friendly environment by giving customers additional information automatically through the Internet.

7. Regarding claim 4, Bendinelli teaches; wherein the network is a global communication network that provides a universal resource locator (URL) for each location on the network and the routing information is comprised of the URL for the location (On col. 2, line 51- col. 3, line 12: teaches providing URL).

Art Unit: 2152

8. Regarding claim 5, Bendinelli teaches; wherein the unique code is an audible tone (On col. 2, line 51- col. 4, line 13: teaches network information identifier can be embedded in any other type of signal).

9. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bendinelli-Yokozawa-Ullman as applied to claims 1 and 4-5 above, and further in view of Hitzelberger (U.S. Patent No. 6,061,368) .

10. Regarding claim 2, Bendinelli-Yokozawa-Ullman discloses the invention substantially as claimed as described **supra**. However, Bendinelli-Yokozawa-Ullman do not explicitly teach an intermediate location on the network for comparing the received unique code with the stored vendor routing information in the database. Hitzelberger on col. 4, lines 9-56: teaches a routing engine (intermediate location) for matching source identifiers with the destination identifiers from a cache (stored vendor routing information) in the routing engine. It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate a routing engine (intermediate location), as taught by Hitzelberger, to identify a web site at server using a code, as taught by Bendinelli-Yokozawa-Ullman, in a network environment. The motivation to do so would have been to provide a routing engine to match the source identifier with the destination identifiers stored in the cache to be able to identify the web page (vendor information) at a server (remote location) for interconnection increasing the reliability in establishing connection between source and destination.

Art Unit: 2152

11. Regarding claim 3, Hitzelberger teaches a source identifier (user ID information that identifies the user location), routing engine (intermediate node) which includes identifiers, and a matching function for comparing source identifier with a destination identifiers stored in cache to be encoded in a packet that is transmitted to the destination (on col. 4, lines 9-56).

12. Regarding claims 6-10 are substantially the same as claims 1-5 and are thus rejected for reasons similar to those in rejecting claims 1-5.

Response to Arguments

13. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

14. Applicant argues that the applied reference do not suggest the feature “the local use of a digital video disk for the local extraction of data and the subsequent control of a local computer” (remarks on page 4, paragraph 4). The new combination suggests “operating a DVD player at a user site to read a video program with embedded URLs which is stored or recorded in a digital video disk and video program is displayed on the user site” (Ullman on col. 5, lines 28-30, col. 9, lines 4-35, and col. 10, lines 4-25). Therefore, Applicant’s arguments are not persuasive regarding this feature of the invention.

Art Unit: 2152

Conclusion

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Art Unit: 2152

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Almari Romero whose telephone number is (703) 305-0749. The examiner can normally be reached on Mondays-Fridays from 7:30 A.M. to 4:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Mark Rinehart, can be reached on (703) 305-4815. The fax phone number for this Group is (703) 305-9731.

Any inquiry of general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.


Almari Romero
Patent Examiner
Art Unit 2152


ZARNI MAUNG
PRIMARY EXAMINER